



exceed the lesser of \$2,000 or the person's deductible, which is equal to the deductible under part A of Medicare.

***** ANALYSIS FROM -0578/P5 *****

Under current law, HIRSP payment rates for prescription drugs are the same as payment rates under MA. This bill allows DHFS, with the approval of the HIRSP Board of Governors, to set HIRSP prescription drug payment rates.

Current law authorizes DHFS to establish, for prescription drug coverage, copayment amounts, coinsurance rates, and copayment and coinsurance out-of-pocket limits over which HIRSP pays 100 percent of the covered costs incurred by the covered person during the remainder of the calendar year. This bill allows DHFS to establish a three-tiered copayment structure for prescription drug benefits. The bill allows DHFS to establish the out-of-pocket limit for prescription drug coverage at \$300 for persons who are also covered under Medicare and at \$300 or \$400 for other covered persons, depending on coverage selected. The bill allows DHFS to provide that only certain copayment amounts count toward the out-of-pocket limit.

***** ANALYSIS FROM -1525/3 *****

Under current law, DHFS may request from health insurers information to enable DHFS to identify MA beneficiaries who are eligible, or who would be eligible as dependents, for health insurance coverage. An insurer that receives a request must provide the information. Under this bill, DHFS must provide any information that it receives from a health insurer to DWD for purposes of DWD's program related to child and spousal support, paternity establishment, and medical support liability. DWD may allow county and tribal child support agencies access to the information, subject to use and disclosure restrictions under current law, and must consult with DHFS regarding procedures to safeguard the confidentiality of the information.

***** ANALYSIS FROM -0309/4 *****

Currently, DHFS and certain providers of direct care or treatment services must conduct background checks of caregivers. DHFS may charge a background check fee, which may not exceed the reasonable costs of conducting the background check. The revenue from these fees along with revenue from other licensing and regulatory fees are appropriated to DHFS for its licensing and regulatory activities.

also This bill eliminates the reasonable cost restriction on the amount of background check fees. The bill authorizes DHFS to use revenue from background check, licensing, and regulatory fees to investigate abuse, neglect, or misappropriation by caregivers.

***** ANALYSIS FROM -1744/2 *****

Currently Direct care and treatment providers who are subject to the background check requirement may not employ or contract with a caregiver who has been convicted of a serious crime. If a caregiver is not a Wisconsin resident or resided outside Wisconsin before serving as a caregiver, the provider may request that the caregiver provide fingerprints for a search of criminal history records maintained by the Federal Bureau of Investigation (FBI). A provider may share criminal history information concerning a caregiver with other providers.

This bill provides that if a direct care and treatment provider obtains information from the FBI regarding a caregiver's arrest or conviction record, the provider may use the information only to determine whether the caregiver is disqualified from serving as a caregiver. (A provider may still share criminal history information concerning a caregiver with other providers.) The bill grants to a provider immunity from civil liability for using arrest and conviction information provided by the FBI to make an employment determination regarding the caregiver. The limitation on the use of arrest and conviction information and the civil liability immunity provision apply only to information that a provider requests from the FBI before September 30, 2007.

***** ANALYSIS FROM -1707/3 *****

This bill authorizes DHFS, upon the request of a county board, to assist in recruiting and training people to provide personal care services. Personal care services are medically oriented activities that assist a person with activities of daily living, such as assistance with bathing, toileting, skin care, and meal preparation.

***** ANALYSIS FROM -0748/1 *****

Under current law, the state registrar or a local registrar must charge \$12 for issuing a copy of a birth certificate. Of this sum, \$7 is appropriated to the Child Abuse and Neglect Prevention Board (CANPB) for CANPB expenses, for the Early Childhood Family Education Center Grant Program, for technical assistance, and for grants to organizations for services related to child abuse and neglect. This bill increases the fee for issuance of a copy of a birth certificate to \$15, and appropriates \$9 to CANPB.

Under current law, for the filing of a birth certificate more than 365 days after the birth, the state registrar must charge \$20 plus a fee of \$5 for issuance of the birth certificate. This bill increases the latter fee from \$5 to \$15, and appropriates \$9 to CANPB.

***** ANALYSIS FROM -1416/1 *****

Under current law, DHFS makes two-year loans to establish programs to provide housing for groups of persons who are recovering from alcohol or other drug abuse. This bill eliminates this loan program.

***** ANALYSIS FROM -1863/2 *****

LOCAL GOVERNMENT

This bill creates levy limits that apply to cities, villages, towns, and counties (political subdivisions) for the property tax levies that are imposed in December 2005 and 2006. Generally, the bill prohibits a city, village, or town from increasing its levy by a percentage that exceeds the sum of 60 percent of the percentage change in the equalized assessed value of new construction located in the region in which the city, village, or town is located plus the rate of inflation. The bill generally prohibits a county from increasing its levy by a percentage that exceeds the sum of 60 percent of the percentage change in the equalized assessed value of new construction located in the county plus the rate of inflation.

This bill provides adjustments to the levy limit for political subdivisions that transfer the provision of services, for cities or villages that annex town territory, and for a county levy that relates to a county Children with Disabilities Education Board.

The levy limit may be exceeded if a political subdivision's governing body adopts a resolution to do so and the resolution is approved in a referendum. A town with a population of less than 2,000 may exceed the levy limit if a resolution to do so is approved by the electors at an annual or special town meeting.

Under the bill, a political subdivision's levy limit does not generally apply to any amount levied to pay debt service or to the amount that a first class city (presently only Milwaukee) levies for school purposes. Currently, a first class city school district is not authorized to levy a tax; the city in which the school district is located levies a tax for school purposes.

***** ANALYSIS FROM -1229/5 *****

Under the current Expenditure Restraint Program, the state makes an annual payment to any municipality that has a property tax rate greater than five mills and that limits the growth of its municipal budget according to a formula based, generally, on the sum of 60 percent of the percentage change in the equalized assessed value of new construction located in the municipality plus the rate of inflation.

This bill eliminates the Expenditure Restraint Program and replaces it with the Municipal Levy Restraint Program, under which the state, beginning in 2007, makes an annual payment to any municipality that has a property tax rate greater than five mills and that limits its property tax levy to an amount that is no greater than the maximum allowable levy according to a formula that is based, generally, on the sum of 60 percent of the percentage change in the equalized assessed value of new construction located in the region in which the municipality is located plus the rate of inflation.

***** ANALYSIS FROM -1231/6 *****

This bill creates the County Levy Restraint Program, under which the state makes an annual payment, beginning in 2007, to any county that limits its property tax levy to an amount that is no greater than the maximum allowable levy according to a formula that is based, generally, on the sum of 60 percent of the percentage change in the equalized assessed value of new construction located in the county plus the rate of inflation.

***** ANALYSIS FROM -1018/2 *****

Under current law, municipalities may enter into agreements to share revenues from taxes and special charges with other municipalities and with federally recognized American Indian tribes or bands if the signatory to an agreement is contiguous to at least one other signatory. A municipal revenue sharing agreement must be for a minimum term of ten years, describe the boundaries within which the revenues are to be shared, and describe the method of determining the amount of revenues to be shared.

This bill authorizes a county, as well as municipalities, to enter into a revenue sharing agreement and expands the types of revenues that may be subject to a revenue sharing agreement to include fee revenues and payments received from the state.

***** ANALYSIS FROM -1707 *****

Under current law, the state, Indian tribes and bands, and local units of government may enter into intergovernmental cooperation agreements for the receipt or furnishing of services or joint exercise of powers and may create a commission to perform the service or exercise the joint power. This bill provides that if a commission is created under such an agreement, the employees of the commission are not employees of the units of government that created the commission unless the contract creating the commission specifies otherwise.

*** ANALYSIS FROM -1258/5 ***

NATURAL RESOURCES

FISH, GAME, AND WILDLIFE

This bill modifies a number of the fees for fish and game licenses and for fish and hunting licenses and stamps and for duplicates of certain licenses. The bill also increases the wildlife damage surcharge. The wildlife damage surcharge is generally used for the funding of the wildlife damage program that compensates farmers for damages caused by deer, geese, bear, and turkey.

Under current law, no person may hunt waterfowl or pheasant without a license authorizing the hunting of small game and a waterfowl or pheasant hunting stamp, which is attached to or imprinted on the license. DNR charges a fee for both the hunting license and the stamp. This bill creates a grouse and woodcock hunting stamp which, with certain exceptions, must be attached to, or imprinted on, the license in order for a person to hunt ruffed grouse or woodcock. The bill establishes a fee for this stamp. The fees are appropriated to DNR for the development and management of the ruffed grouse and woodcock populations.

This bill requires that lake sturgeon that are taken by hook and line, instead of by spearing, be tagged with a sturgeon hook and line tag issued by DNR. The bill establishes a fee for this tag. The fees are appropriated to DNR for managing the lake sturgeon fishery in inland lakes.

Under current law, DNR issues wild turkey hunting licenses and tags according to a cumulative preference system, which give priority to applicants based on residency, land ownership, and the receipt of licenses for earlier seasons. Applicants apply for a specific wild turkey hunting zone or specific time period and the preference system is used separately in each zone and for each time period. In a zone where, or for a time period when, the number of applicants is less than the number of tags available, the bill authorizes DNR to issue the surplus tags and establishes a fee for these tags.

*** ANALYSIS FROM -0384/1 ***

Under current law, with certain exceptions, no person born on or after January 1, 1973, may obtain a hunting approval without a certificate of accomplishment, which DNR issues to persons who complete DNR's hunter education program or bow hunter education program. Current law prohibits DNR from charging a fee for the course of instruction under either program.

This bill requires DNR to charge a fee for its hunter education and bow hunter education courses, authorizes DNR to offer advanced courses, and allows DNR to charge an additional fee for the advanced courses.

*** ANALYSIS FROM -1491/2 ***

This bill increases the fees for commercial fishing and fishing guide licenses and for wholesale fish dealer licenses. The bill also authorizes DNR to charge fees for certain permits that it issues in regulating the commercial harvesting of certain species of fish.

***** ANALYSIS FROM -1379/1 *****

Under current law, DNR may issue, at a reduced fee, a conservation patron license to a resident or a nonresident who is under the age of 18. A conservation patron license gives the licensee the privileges of a combination of various fish and game licenses, admission to state parks and other recreational areas, and an annual subscription to the Wisconsin Natural Resources magazine. Under this bill, a conservation patron licensee who is under the age of 18 does not receive the privilege of admission to state parks or other recreational areas and does not receive the magazine subscription.

***** ANALYSIS FROM -0382/1 *****

Under current law, DNR may issue a conservation patron license to any person who is at least 14 years old. Current law also specifies a reduced fee for a conservation patron license issued to a person who is at least 12 but less than 18 years old. This bill clarifies that DNR may issue a conservation patron license to any person who is at least 12 years old.

***** ANALYSIS FROM -0384/1 *****

Under current law, no person may hunt pheasant without a license issued by DNR. With certain exceptions, the hunter must also have a pheasant hunting stamp, issued by DNR, attached to, or imprinted on, the person's license. DNR charges a fee for both the hunting license and the stamp.

This bill generally requires a person to obtain an additional permit from DNR to hunt pheasant on certain pheasant-stocked lands under DNR's management and control. Under the bill, DNR must issue the permit to any person who applies for the permit and who has a valid conservation patron license or a valid pheasant hunting stamp attached to or imprinted on the person's small game or sports license. The bill authorizes DNR to charge a fee for the permit.

***** ANALYSIS FROM -0753/2 *****

Under current law, the Lac du Flambeau band of the Lake Superior Chippewa (band) agrees to limit its treaty-based, off-reservation rights to fish in exchange for being able to issue DNR fishing licenses and stamps as an agent of DNR. In addition, DNR agents may issue these licenses and stamps on the band's reservation. Current law authorizes DNR to pay the band the amount that the band would have received if the band issued those licenses and stamps. This bill requires DNR to make an annual payment of \$50,000 to the band, in addition to the payment under current law. The band must use the money for fishery management within the band's reservation.

***** ANALYSIS FROM -0503/1 *****

NAVIGABLE WATERS

Under current law, a person may not place a boat, boat trailer, or boating equipment in the Lower St. Croix River if the person has reason to believe that the boat, trailer, or equipment has zebra mussels attached. Also under current law, a

person must remove zebra mussels from a boat, boat trailer, or boating equipment before placing it in the St. Croix River if required to do so by a law enforcement officer.

This bill expands the scope of these two provisions to cover any navigable water. The bill also authorizes a law enforcement officer to require a person to remove any aquatic plants or zebra mussels from a boat, boat trailer, or boating equipment before or while transporting the boat, trailer, or equipment on a highway or other thoroughfare open to the public.

***** ANALYSIS FROM -0469/1 *****

Under current law, a variety of activities affecting navigable waters, dams, and wetlands are prohibited without a permit or other approval issued by DNR. Generally, DNR charges a fee for these permits and approvals. Current law specifies that, if more than one fee is applicable to a project, DNR may charge only the highest applicable fee rather than charging a separate fee for each permit or approval. Under this bill, an applicant must pay the permit or approval fee for each activity for which the applicant seeks a permit or other approval.

***** ANALYSIS FROM -0468/2 *****

Current law directs DNR to make available in each fiscal year at least \$500,000 for cost-sharing grants to be awarded to local governmental units for the control of invasive species that are aquatic species. This bill specifies that nonprofit conservation organizations and qualified lake associations are also eligible to receive a portion of these grants.

***** ANALYSIS FROM -0387/4 *****

RECREATION

Under current law, a person may not operate a vehicle in state parks or certain other state recreational lands unless DNR has issued a vehicle admission receipt for that vehicle. The base fee varies depending on whether the receipt is issued on an annual or a daily basis, on the kind of vehicle for which the receipt is issued and, for certain types of receipts, on whether the receipt is issued to a resident or to a nonresident. DNR charges a reduced fee for receipts issued to certain persons, including persons who share a household with a person who has been issued a current annual vehicle admission receipt (additional receipt).

This bill increases the base fee charged for annual resident and nonresident vehicle admission receipts, the base fee charged for a daily resident vehicle admission receipt, and the base fee charged for an additional receipt for residents and nonresidents.

Under current law, DNR operates state campgrounds, classifies these campgrounds by category, and charges a campsite fee that varies depending on how the campground is categorized. This bill increases the nightly campsite fees by \$2.

***** ANALYSIS FROM -0355/2 *****

Current law authorizes DNR to appoint agents, who are not DNR employees, to issue all-terrain vehicle (ATV) and snowmobile registration certificates, and certificates of number and registration certificates for boats. Under current law, DNR may implement both a noncomputerized procedure and a computerized procedure for issuing original and duplicate registration documents and for transferring and renewing these documents. Under the noncomputerized

procedure, agents collect a service fee of \$3 from the registrant; there is no service fee if the application is submitted directly to DNR. Under the computerized procedure, both agents and DNR collect the \$3 service fee; if the \$3 fee is collected by an agent, the agent sends \$1 of the fee to DNR.

For all three types of registrations, this bill eliminates the separate computerized and noncomputerized procedures. Instead, for ATV and snowmobile registrations, the bill allows DNR to implement two procedures, one under which the applicant is issued a validated receipt showing the registration of the vehicle at the time of application, and another procedure under which the applicant receives, in addition to the receipt, a decal that can be immediately placed on the vehicle. For an application submitted directly to DNR, there is no fee for receiving only the receipt, and the fee for the receipt plus a decal is \$5. For an application submitted to an agent, the fee for just the receipt is \$3. The fee for a receipt and a decal is \$5 with the agent sending \$1 of the \$5 to DNR.

For boat registration, the bill allows DNR to implement the procedure under which the applicant receives a receipt and one decal that can be immediately placed on the boat. The fee for this type of registration is \$5, with the agent sending \$1 of the \$5 to DNR.

*** ANALYSIS FROM -0351/1 ***

This bill increases the amount that the state pays per mile for the maintenance and grooming of state and county snowmobile trails.

*** ANALYSIS FROM -0365/1 ***

Current law requires DNR to distribute funds to local units of government and federal agencies for the operation of off-the-road Type I motorcycle trails and facilities and for such trails at the Black River State Forest and the Bong State Recreation Area. This bill eliminates this payment.

*** ANALYSIS FROM -0519/3 ***

OTHER NATURAL RESOURCES

This bill creates a five-member Managed Forest Land Board in DNR to award grants to cities, towns, counties, DNR, and nonprofit conservation organizations to acquire land for certain outdoor recreation activities such as fishing, hiking, sight-seeing, and cross-country skiing. The grants are funded from a portion of the payments made by certain land owners in lieu of property taxes.

*** ANALYSIS FROM -1260/2 ***

RETIREMENT AND GROUP INSURANCE

Under current law, the Historical Society may contract with the Wisconsin Historical Foundation, Inc., for the purpose of administering certain Historical Society programs and functions. This bill provides that if the Historical Society enters into such a contract, any Wisconsin Historical Foundation, Inc., employee who was previously employed by the Historical Society is eligible to receive health care coverage under a state employee health care plan.

*** ANALYSIS FROM -1837/2 ***

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STATE GOVERNMENT

STATE FINANCE

In the 2003-05 fiscal biennium, the state issued obligations to pay its unfunded liabilities under the Wisconsin Retirement System (WRS). These liabilities had been incurred as a result of unfunded WRS benefit improvements and their cost had been allocated to each state agency as part of its required WRS contributions. This bill requires the secretary of administration, during the 2005-07 fiscal biennium, to lapse or transfer to the general fund from appropriations to each state agency, other than DETF and the State of Wisconsin Investment Board (SWIB), moneys that would otherwise have been expended by the state agency to pay the WRS unfunded liabilities had the obligations not been issued. In addition, the bill requires the secretary in each future fiscal biennium to lapse or transfer these moneys to the general fund based on each state agency's proportionate share of all state retirement contributions that are required to be paid in that fiscal biennium.

*** ANALYSIS FROM -1917/1 ***

Current law authorizes the Building Commission to contract public debt to refund the whole or any part of any unpaid indebtedness used to finance tax-supported or self-amortizing facilities or for veterans' housing loans. Such indebtedness includes any premium and interest that is currently payable on the unpaid indebtedness. Current law also sets caps on the amount of public debt that may be contracted for these purposes. This bill eliminates these caps.

*** ANALYSIS FROM -1694/2 ***

Current statutes contain several rules of procedure governing legislative action on certain bills. One rule provides that no bill directly or indirectly affecting general purpose revenues (GPR) may be adopted if the bill would cause the estimated general fund balance on June 30 of any fiscal year to be less than a certain amount of the total GPR appropriations for that fiscal year. For fiscal year 2005-06, the amount is \$75,000,000; for fiscal year 2006-07 and each fiscal year thereafter, the amount is 2 percent of total GPR appropriations for that fiscal year. This bill provides that for fiscal year 2005-06, the amount is \$40,000,000; for fiscal year 2006-07, the amount is \$45,000,000; for fiscal year 2007-08, the amount is \$50,000,000; for fiscal year 2008-09, the amount is \$75,000,000; and for fiscal year 2009-10 and each fiscal year thereafter, the amount is 2 percent of total GPR appropriations for that fiscal year.

*** ANALYSIS FROM -1711/4 ***

Another rule of procedure provides that, with certain exceptions, the amount appropriated from GPR may not exceed the amount appropriated from GPR in the prior fiscal year, increased by the percentage increase in the state's aggregate personal income. In the 2005-07 fiscal biennium, this bill excludes from this limitation a GPR appropriation for county and municipal aid payments. The bill also excludes from the limitation any amount appropriated to pay WRS unfunded liability obligations.

A third rule provides that in fiscal year 2005-06 and in fiscal year 2006-07, the amount appropriated from GPR for state operations generally may not exceed the amount appropriated from GPR for state operations in fiscal year 2004-05, less

state plan

through
fiscal year

\$6,500,000

\$100,000,000. This bill eliminates this rule for fiscal year 2006-07 and excludes a number of appropriation expenditures from the calculation for fiscal year 2005-06.

***** ANALYSIS FROM -0391/8 *****

Under current law, the Board of Commissioners of Public Lands (BCPL) may invest moneys deposited into the common school fund, the normal school fund, the university fund, and the agricultural college fund (the trust funds) only in certain specified investments. This bill authorizes BCPL to invest moneys derived from the future sale of public lands in the purchase of land in this state, subject to certain conditions. The bill also provides that, if the land sold was at the time of purchase subject to an assessment or property tax levy, BCPL must make annual payments in lieu of property taxes to the appropriate local governmental unit in an amount equal to 74 cents per acre.

***** ANALYSIS FROM -0390/2 *****

This bill also authorizes BCPL to delegate to SWIB the authority to invest part or all of the moneys belonging to the trust funds. Under the bill, if BCPL delegates the authority, SWIB may invest the moneys belonging to the trust funds in any fixed income investment or fund that invests in fixed income instruments.

***** ANALYSIS FROM -1372/2 *****

Current law requires the secretary of administration to prepare a statement of estimated GPR receipts and expenditures in the biennium following the succeeding biennium based on recommendations in the executive biennial budget bill or bills that is to accompany the biennial budget report. Current law also requires the Legislative Fiscal Bureau (LFB) to prepare the same statement but based on the recommendations in the executive biennial budget bill or bills as modified in the legislative process. Current law specifies the methodology to use to prepare these statements. This bill allows DOA and LFB to develop their own methodologies.

***** ANALYSIS FROM -1710/2 *****

This bill requires the secretary of administration to lapse or transfer to the general fund, from the unencumbered balances of most state operations appropriations, an amount equal to \$35,500,000 during the 2005-07 fiscal biennium. The secretary of administration must lapse or transfer these moneys from allocations for human resources and payroll functions and server and network support, from moneys saved as a result of restructuring procurement contracts and changes to purchasing and procurement functions, and from efficiencies achieved as a result of space management improvements in that fiscal biennium under those appropriations.

In addition, the bill requires the secretary of administration to lapse or transfer to the general fund from the unencumbered balances of these state operations appropriations an amount equal to ~~\$50,000,000~~ during each fiscal year of the 2007-09 fiscal biennium. The secretary of administration must lapse or transfer these amounts from moneys saved as a result of restructuring procurement contracts in that fiscal biennium under those appropriations.

***** ANALYSIS FROM -1607/9 *****

The bill also requires the secretary of administration to lapse moneys to the general fund from a number of program revenue appropriation accounts. The

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State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1513/8 7

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DOA:.....Kraus, BB0352 - Sale of state property

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

-FWS 44A

AN ACT ...; relating to: sale of certain state properties.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Currently, state agencies having jurisdiction over state properties are authorized to sell the properties under various conditions and limitations, if the operation of the properties is not specifically provided for by law. The proceeds of any sales are credited or deposited in various ways as provided by law.

Currently, the Building Commission may sell or lease all or part of a state-owned building or structure or state-owned land if such authority is not provided to a state agency by law. The proceeds of any such sales or leases, after retirement of any outstanding debt on the affected properties, are paid into the budget stabilization fund. In addition, the Building Commission may sell certain surplus state land, subject in most cases to the consent of the Joint Committee on Finance, and may sell certain state-owned land in the vicinity of the state capitol.

This bill directs the secretary of administration, no later than July 1, 2006, to review all holdings state-owned real property for potential sale, except property under the jurisdiction of the Board of Regents of the UW System, property under the jurisdiction of DNR (except central or district office facilities), and certain other specified property. Potential sales may include surplus or nonsurplus property, and may be evaluated with or without the approval of the state agency that administers the affected property.

XXX ANALYSIS FROM - 1513/8 XXXX
STATE FINANCE

Q This bill transfers \$36,000,000 from the general fund to the Budget stabilization fund

No later than October 1, 2006, the secretary of administration must submit a report to the secretary of the Building Commission containing an inventory of the secretary's recommendations to offer specified state properties for sale and giving the reasons therefor. Under the bill, if the Building Commission votes to approve the sale of any property included in the inventory on or before June 30, 2007, DOA may offer the property for sale and may sell the property if DOA believes that the sale is in the best interests of the state, subject to certain exceptions. Under the bill, the sale price need not reflect fair market value.

Any sale of state property by DOA may be either on the basis of public bids or negotiated prices. The bill does not authorize DOA to close or sell any facility or institution the operation of which is provided for by law. The authority granted by the bill does not apply to property that is leased by the state during the term of the lease without consent of the lessee. With certain exceptions, all net proceeds of property sales, after retirement of any outstanding debt on the affected properties and after any required reimbursement of the federal government for any federal financial assistance used to acquire, construct, or improve the properties, are deposited in the general fund, ~~and are then transferred from the general fund to the budget stabilization fund.~~

Currently, the proceeds of sales of real property by the Board of Regents of the University of Wisconsin System are appropriated for various purposes. This bill provides that, for proceeds received from these sales before July 1, 2007, unless otherwise required for properties that are encumbered, acquired, constructed, or improved with federal financial assistance, or restricted by the terms of a gift or grant, the board shall use the net proceeds for the operation of the UW System.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 13.101 (13) of the statutes is repealed.

2 **SECTION 2.** 13.48 (14) (a) of the statutes is amended to read:

3 13.48 (14) (a) In this subsection, "agency" has the meaning given for "state
4 agency" in s. 20.001 (1), except that prior to July 1, 2007, the term does not include
5 the Board of Regents of the University of Wisconsin System.

6 **SECTION 3.** 13.48 (14) (d) 4. of the statutes is amended to read:

7 13.48 (14) (d) 4. If the commission proposes to sell or transfer a parcel of surplus
8 land having a fair market value of at least \$20,000, the commission shall notify the

appropriations are made to the following state entities: the Office of State Employment Relations in DOA, DATCP, DHFS, DOJ, DPI, DOC, DORL, DOR, and DVA, the Department of Commerce, BCPL, the Child Abuse and Neglect Prevention Board, the Technical College System Board, and OCI.

*** ANALYSIS FROM -1786/P1 ***

PUBLIC UTILITY REGULATION

This bill establishes maximum late payment charges that telecommunications utilities are allowed to charge retail consumers. A telecommunications utility is an entity that provides local calling service to consumers, excluding entities that provide such service on a resale basis.

With two exceptions, the bill prohibits a telecommunications utility from imposing on retail consumers a late payment charge at a rate greater than 1.5 percent per month computed upon the declining principal balance of any amount that is not paid when due. The first exception applies to retail consumers that are not residential consumers. For these consumers, for any month in which the maximum late payment charge otherwise allowed under the bill is less than \$5, the bill allows the telecommunications utility to impose a late payment charge of \$5 for that month. Under the bill's second exception, the PSC may allow a telecommunications utility to impose a late payment charge that is greater than that otherwise allowed under the bill if the PSC determines that the greater charge is consistent with factors specified under current law for determining whether a charge is just and reasonable.

The bill also requires telecommunications utilities that impose late payment charges to pay to the PSC, on a semiannual basis, 5 percent of the charges they collect from consumers that are not residential consumers. The PSC must use the money for consumer education purposes.

*** ANALYSIS FROM -1787/1 ***

*** ANALYSIS FROM -1788/P1 ***

This bill transfers \$18,185,300 in fiscal year 2005-06 and \$16,949,400 in fiscal year 2006-07 from the utility public benefits fund to the general fund.

*** ANALYSIS FROM -1364/P1 ***

*** ANALYSIS FROM -1243/P3 ***

OTHER STATE GOVERNMENT

Under current law, DATCP administers most laws regarding consumer protection and trade practices. Current law also authorizes DATCP to enforce some of these laws by initiating court actions. The district attorney enforces other laws. Where DATCP has enforcement authority, that authority may be exclusive, or DATCP may share enforcement authority with the district attorney or with DOJ.

This bill transfers the administration of certain of these laws from DATCP to DOJ, including laws relating to ticket refunds, dating service contracts, mail-order sales, fraud, methods of competition and trade practices, telecommunications services, cable television subscriber rights, hazardous substances, product safety, products containing or made with ozone-depleting substances, future services plans, landlord and tenant, and time-share ownership. The bill also transfers enforcement authority for these laws to DOJ or to DOJ jointly with the district attorney. The bill

trusts and monopolies

leaves intact DATCP's administration of certain other laws, but transfers their enforcement authority to DOJ or to DOJ jointly with the district attorney. These laws include laws regarding unfair trade practices in the dairy industry and in the procurement of vegetable crops, and laws regarding discrimination in the purchase of milk. The bill does not affect DATCP's authority to administer and enforce certain other laws, including laws relating to music royalty collection, energy savings or safety claims, and motor fuel dealerships.

Under current law, if a court imposes a fine or forfeiture for a violation of certain consumer protection laws or the laws regulating weights and measures, the court is required to impose also a consumer protection surcharge. These surcharges are, up to a certain limit, appropriated to DATCP to fund consumer protection, information, and education. Under the bill, these surcharges are, with certain exceptions, appropriated to DOJ, rather than DATCP. The bill also requires a court to impose the surcharge when it imposes a fine or forfeiture for certain violations involving ~~monopolization and restraint of competition~~.

Under current law, DATCP is governed by the Board of Agriculture, Trade and Consumer Protection. The board currently consists of nine members, seven of whom must have an agricultural background and two of whom represent consumers. This bill requires that all nine members have agricultural backgrounds.

The bill also changes the name of DATCP to the Department of Agriculture, Trade, and Rural Resources and changes the board's name to the Board of Agriculture, Trade, and Rural Resources.

*** ANALYSIS FROM -0955/10 ***

This bill creates a Division of Legal Services in DOA to provide legal services to executive branch agencies. With certain exceptions, the bill transfers all attorney positions in executive branch agencies to the Division of Legal Services effective on January 1, 2006. The bill also transfers all positions identified as hearing examiners, hearing officers, or administrative law judges, other than such positions in DWD, to the Division of Hearings and Appeals in DOA. Attorney positions in DOJ (except for two attorney positions with tax-litigating duties), the Office of the State Public Defender, the PSC, the UW System, the Employment Relations Commission, the State of Wisconsin Investment Board, the Elections Board, the Ethics Board, and the Office of the Governor are exempt, as are all state employees working in an office of a district attorney. In addition, the bill retains a general counsel or lead attorney position in each of 17 major state agencies and offices.

Under the bill, executive branch agencies that are authorized or required to employ or retain an attorney may do so only in the following ways: (1) employ an attorney in a position authorized by law, (2) contract with DOA for legal services, (3) allow DOJ to furnish legal services if DOJ is required by law to furnish the services, (4) allow or contract with the Division of Hearings and Appeals to furnish legal services if the Division of Hearings and Appeals is required or authorized by law to furnish the services, or (5) employ or retain any attorney who is not a state employee subject to the approval of the governor.

The bill also requires the secretary of administration to lapse or transfer to the general fund from the unencumbered balances of agency appropriations, other than

sum sufficient appropriations and appropriations of federal revenues, an amount equal to \$724,900 during the 2005-07 fiscal biennium. The secretary of administration must lapse or transfer these moneys from allocations for agency legal services that would have been provided in that fiscal biennium with funding from those appropriations.

***** ANALYSIS FROM -1513/4 *****

This bill directs the secretary of administration, no later than July 1, 2006, to review all holdings of state-owned real property for potential sale, except property under the jurisdiction of the Board of Regents of the UW System, property under the jurisdiction of DNR (except central or district office facilities), and certain other specified property. Potential sales may include surplus or nonsurplus property, and may be evaluated with or without the approval of the state agency that administers the affected property.

Under the bill, if the Building Commission votes, on or before June 30, 2007, to approve the sale of any property reviewed by DOA, DOA may sell the property if DOA believes that the sale is in the best interests of the state, subject to certain exceptions. The bill does not authorize DOA to close or sell any facility or institution the operation of which is provided for by law.

With certain exceptions, all net proceeds of property sales, after retirement of any outstanding debt on the affected properties and after any required reimbursement of the federal government for any federal financial assistance used to acquire the properties, must be deposited into the general fund and then ~~transferred to the budget stabilization fund.~~

***** ANALYSIS FROM -0984/4 *****

Currently, the Land Information Board, attached to DOA, serves as a state clearinghouse for access to land information and provides technical assistance to state agencies and local governmental units with land information responsibilities, reviews and approves county plans for land records modernization, and provides aids to counties, derived from recording fee revenues collected by counties, for land records modernization projects. Under current law, the board and most of its functions are abolished effective on July 1, 2005.

This bill assigns to DOA most of the functions of the Land Information Board.

Currently, counties collect a fee for recording and filing most instruments that are recorded or filed with the register of deeds. Until July 1, 2005, counties must remit a portion of each fee collected to the Land Information Board, which the board uses to fund its operations and to make grants to counties for land records modernization projects. On July 1, 2005, the fee for recording or filing the first page of an instrument is reduced and no portion is remitted to the state. This bill reinstates the current fees but requires that the state's share be remitted to DOA instead of to the Land Information Board.

Current law directs the Wisconsin Land Council in DOA to do the following: 1) identify and recommend to the governor land use goals and priorities; 2) study the development of a computer-based land information system and make recommendations to the governor; and 3) establish a state agency resource working group that is composed of representatives of various state agencies. Current law

directs this group to discuss, analyze, and address land use issues and related policy issues. Currently, the Wisconsin Land Council sunsets on September 1, 2005. This bill transfers almost all of the functions and responsibilities of the Wisconsin Land Council to DOA.

***** ANALYSIS FROM -1219/2 *****

This bill provides that a person who knowingly presents or causes to be presented a false claim under any contract or order for materials, supplies, equipment, or contractual services to be provided to the state or a local government is subject to a forfeiture (civil penalty) of not less than \$5,000 nor more than \$10,000, plus three times the amount of the damages that were sustained by the state or would have been sustained by the state, whichever is greater, as a result of the false claim.

***** ANALYSIS FROM -1377/3 *****

Under current law, a county that has a federally recognized Indian reservation within or partly within its boundaries may develop a cooperative county-tribal law enforcement program with a tribe located in the county. The county and the tribe may apply for aid from DOJ for the program. The Office of Justice Assistance (OJA) administers a separate grant program to fund county law enforcement services in counties that border Indian reservations. A county is eligible for a grant under the OJA program only if: 1) the county demonstrates a need for those services; 2) there is a neighboring tribe with which the county does not have a county-tribal law enforcement agreement; and 3) the county meets criteria established by rule by OJA. Both of these grant programs are funded from Indian gaming receipts.

This bill makes OJA responsible for administering the cooperative county-tribal grant program and extends its applicability to cases in which a county borders a reservation. The bill eliminates the existing OJA grant program for counties that border Indian reservations.

***** ANALYSIS FROM -1022/1 *****

Currently, the Joint Committee on Legislative Organization must recommend to the legislature, in the form of a joint resolution, a Wisconsin newspaper to be the official state newspaper. This bill provides that the secretary of administration designates a Wisconsin newspaper to be the official state newspaper.

***** ANALYSIS FROM -0302/3 *****

TAXATION

INCOME TAXATION

This bill adopts, for state income and franchise tax purposes, changes made to the Internal Revenue Code by the Jobs and Growth Tax Relief Reconciliation Act, not including changes related to bonus depreciation and expensing provisions and an increase in the alternative minimum tax exemption; the Military Family Tax Relief Act; the Medicare Prescription Drug, Improvement and Modernization Act, not including changes related to health savings accounts; the Social Security Protection Act; the Pension Funding Equity Act; the Working Families Tax Relief Act, not including changes related to deductions for charitable contributions of computer equipment and expensing provisions related to brownfields remediation costs; the

American Jobs Creation Act, not including changes related to the expensing of film and television production costs; and the YMCA retirement fund.

Under current law, spouses that file a joint income tax return are both liable for the payment of any tax related to that return. However, DOR may relieve a person of that tax liability if the person's spouse did not notify the person of any tax liability or understatement of taxes related to the joint return. This bill requires a spouse to apply for relief from tax liability within two years from the date on which DOR begins collection activities on the spouse's tax liability or within two years from the effective date of the provision, whichever is later.

*** ANALYSIS FROM -1659/1 ***

In general, current law provides a subtraction from federal adjusted gross income for up to \$3,000 paid per year per student for tuition to attend a university, college, technical college, or other school that is approved by the Educational Approval Board and that is located in this state or that is subject to the Minnesota-Wisconsin reciprocity agreement. This bill increases the amount of the allowable subtraction from \$3,000 per year per student to \$5,100 or twice the average amount charged by the UW System Board of Regents at four-year institutions for resident undergraduate tuition for the most recent fall semester, whichever is greater.

*** ANALYSIS FROM -0375/2 ***

This bill authorizes DOR to prepare a list of delinquent taxpayer accounts in excess of \$25,000 that are unpaid for more than 90 days after all appeal rights have expired. The list must include the name, address, and type and amount of tax due, including interest, penalties, fees, and costs for each person on the list. If the person listed is a corporation, the list must also include the name and address of each of the corporation's officers.

The bill also authorizes DOR to maintain the list on the Internet. However, DOR may not post on the Internet the name of any person who has reached an agreement with DOR or DOJ regarding the payment of delinquent taxes, and is in compliance with that agreement, or the name of any person who is protected by a stay in effect under the federal Bankruptcy Code. DOR must update these provisions on the Internet site each business day.

*** ANALYSIS FROM -0371/5 *** *and*

Under current law, an individual may on his or her income tax return designate any amount of additional payment or any amount of a refund due for the endangered resources program, a local professional football district, and a breast cancer research program. This bill creates a similar income tax checkoff for designations to the veterans trust fund. The bill also allows a corporation that files a state tax return to designate on its return any part of its refund, or any amount in addition to taxes owed, as a donation to the veterans trust fund.

*** ANALYSIS FROM -0341/3 ***

~~The bill also allows a corporation that files a state tax return to designate on its return any part of its refund, or any amount in addition to taxes owed, as a donation to the veterans trust fund.~~

*** ANALYSIS FROM -0306/2 ***

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This bill requires a partnership, a limited liability company, a tax-option corporation, an estate, or a trust that is treated as a pass-through entity for federal income tax purposes to withhold income taxes from income that the entity distributes to a nonresident partner, member, shareholder, or beneficiary.

*** ANALYSIS FROM -0402/5 ***

*** ANALYSIS FROM -0403/2 ***

Under current law, a taxpayer may claim an income or franchise tax credit based, generally, on the taxpayer's business activities in a location designated by the Department of Commerce as a development zone, opportunity zone, enterprise zone, or agricultural development zone. The taxpayer may claim the credit against the taxes imposed on the income derived from the taxpayer's business activities in a zone. In addition, the taxpayer may claim a credit, in part, based on the number of full-time jobs that the taxpayer creates in the development zone that are filled by a member of a targeted group, which includes an individual who resides in an area that the federal government designates as an empowerment zone or enterprise community.

Under this bill, generally, the taxpayer may claim a credit against the taxes imposed on all of the taxpayer's Wisconsin income. In addition, the targeted group includes an individual who resides in an area that the federal government designates as an economic revitalization area.

*** ANALYSIS FROM -1245/2 ***

Under current law, a person may claim an income or franchise tax credit against the person's state income or franchise tax liability for 10 percent of the amount that the person paid in the taxable year to modernize or expand the person's dairy farm. Under the bill, a person may claim the credit for 10 percent of the amount that the person paid in the taxable year to modernize or expand the person's livestock farm.

*** ANALYSIS FROM -1656/3 ***

Under current law, for purposes of computing corporate income taxes and franchise taxes, a formula is used to attribute a portion of a corporation's income to this state. The formula has three factors: a sales factor, a property factor, and a payroll factor. The sales factor represents 50 percent of the formula and the property and payroll factors each represent 25 percent of the formula. Under current law, beginning on January 1, 2008, the sales factor will be the only factor used to attribute a portion of a corporation's income to this state. This bill modifies the sales factor to provide for the apportionment of income derived from the lease, rental, or licensing of real property and moving property, the use of computer software, and the sale or use of intangible property and services.

*** ANALYSIS FROM -0303/4 ***

This bill adopts the substantive provisions of the streamlined sales and use tax agreement for administering and collecting state, county, and stadium district sales and use taxes. States that wish to enter into the agreement must adopt uniform definitions related to the administration of sales and use taxes and uniform policies related to sourcing sales of goods and services, bad debt allowances, refunds, and, to some extent, exemptions.

*** ANALYSIS FROM -1598/6 ***

Under current law, generally, a person needs a permit from DOR to sell cigarettes in this state as a distributor, jobber, vending machine operator, or multiple retailer. Also, a person needs a permit from DOR to sell tobacco products in this state as a distributor or subjobber. A "jobber" is any person who acquires cigarettes from manufacturers or distributors, stores the cigarettes, and sells the cigarettes to retailers for resale. A "subjobber" is any person, other than a manufacturer or distributor, who buys tobacco products from a distributor and who sells such products to any person other than the ultimate consumer.

This bill prohibits a direct marketer from selling cigarettes or tobacco products to consumers in this state without the appropriate permit from DOR. The fee for the permit is based on the number of cigarettes that the direct marketer sells annually to consumers in this state.

Under the bill, DOR may not issue a permit to a direct marketer unless the direct marketer certifies to DOR that all sales of cigarettes or tobacco products to consumers in this state will be credit card transactions; that the invoices for all shipments of cigarettes or tobacco products will bear the direct marketer's name, address, and permit number; and that the direct marketer will provide DOR any information that DOR considers necessary for cigarette and tobacco products tax and permit purposes. The direct marketer may not sell any cigarettes or tobacco products unless the sales tax, use tax, cigarette tax, or tobacco products tax, as appropriate, has been paid on the sale of the cigarettes or tobacco products. In addition, a direct marketer may not sell cigarettes or tobacco products in this state unless the direct marketer has a mechanism, approved by DOR, for verifying the age of the purchaser, and the direct marketer receives from the purchaser, at the time of purchase, a copy or facsimile of an identification card and the name specified on the identification matches the name of the purchaser.

Under the bill, cigarettes and tobacco products may not be shipped to a person who is under 18 years of age and may not be shipped to a post-office box.

***** ANALYSIS FROM -0297/3 *****

Under current law, the state imposes a sales tax on all retailers at the rate of 5 percent of the gross receipts from the sale, lease, or rental of tangible personal property and the sale of certain services. For sales tax purposes, a retailer includes a seller who sells any tangible personal property or taxable service. A retailer who is subject to the sales tax must obtain a seller's permit, collect the sales tax, and remit the collected tax to DOR. The Wisconsin Supreme Court has held that a religious organization that sells tangible personal property is not a retailer subject to the sales tax if the sales are not mercantile in nature. This bill subjects a retailer to the sales tax regardless of whether the sale is mercantile in nature.

Under current law, a nonprofit organization that sells tangible personal property or services is required to have a seller's permit if it sells property or services on more than 20 days during the year and the gross receipts from such sales exceed \$15,000. This bill increases this amount to \$25,000.

Under current law, the sales of tangible personal property or taxable services made by a nonprofit organization at an event involving entertainment are subject to

the sales tax and the use tax if the organization's payment for the entertainment exceeds \$300. This bill increases this amount to \$500.

***** ANALYSIS FROM -0299/2 *****

This bill authorizes DOT, DRL, and DWD to provide information, such as names, addresses, and social security numbers, to DOR for the purpose of administering state taxes. The bill also authorizes other state agencies that issue occupational licenses to provide such information to DOR for the purpose of administering state taxes.

***** ANALYSIS FROM -0300/4 *****

Under current law, generally, a license, credential, permit, or certificate (license) issued by the state may be denied or revoked if the person who holds the license is liable for delinquent state taxes. Under current law, DOR certifies to the Wisconsin Supreme Court and to the licensing entity that the license holder or license applicant owes delinquent taxes. The Supreme Court and the licensing entity deny or revoke the license based on DOR's certification. The license holder or applicant is then entitled to a hearing conducted by DOR. If, as a result of the hearing, DOR affirms the person's tax delinquency, the Supreme Court and the licensing entity affirm the license revocation or denial. Then the person may appeal the revocation or denial to the Dane County Circuit Court.

Under this bill, if as a result of a hearing DOR affirms the tax delinquency of a person who has applied for or who holds a license to practice law, the license holder or applicant may appeal DOR's determination to the Dane County Circuit Court. If the Dane County Circuit Court upholds DOR's determination, DOR affirms the person's tax delinquency, and the state Supreme Court decides whether to revoke or deny the license to practice law.

***** ANALYSIS FROM -0301/1 *****

Under current law, a state agency may certify to DOR any debt owed to the agency so that DOR may collect the debt from any tax refund owed to the debtor, but only if the debt has been reduced to a judgment. Under current law, generally, a county or municipality may certify to DOR any debt owed to the county or municipality for a similar collection if the debt has been reduced to a judgment or if the county or municipality has provided the debtor reasonable notice and an opportunity to be heard with regard to the debt.

Under this bill, a state agency may certify to DOR any debt owed to the agency so that DOR may collect the debt from any tax refund owed to the debtor if the debt has been reduced to a judgment or if the state agency has provided the debtor reasonable notice and an opportunity to be heard with regard to the debt.

***** ANALYSIS FROM -1046/P1 *****

Under current law, the state imposes a rental vehicle fee of 3 percent of the gross receipts from the rental of automobiles, mobile homes, motor homes, and camping trailers if such vehicles are rented or leased without drivers. This bill increases this rental vehicle fee to 5 percent.

***** ANALYSIS FROM -1693/1 *****

Under current law, a county retains 20 percent of all real estate transfer fees collected by the county and submits the balance to the state. Under this bill, the real

estate transfer fees retained by the county that are collected in conjunction with the transfer of real estate in a first class city are transmitted to the first class city.

***** ANALYSIS FROM -1796/3 *****

This bill imposes the sales tax and the use tax on audiovisual works, finished artwork, literary works, and audio works that are delivered electronically to a purchaser.

***** ANALYSIS FROM -1820/1 *****

This bill increases the administrative fees that DOR imposes for the enforcement of intoxicating liquor taxes from three cents per gallon on each gallon of intoxicating liquor subject to taxation to 11 cents per gallon on each gallon of intoxicating liquor subject to taxation.

***** ANALYSIS FROM -1886/1 *****

This bill increases the total amount of the school levy property tax credits in 2007 by \$150,000,000, from \$469,305,000 to \$619,305,000.

***** ANALYSIS FROM -1889/2 *****

TRANSPORTATION

HIGHWAYS

Under current law, DOT, under specified circumstances, may contract up to \$565,480,400 in public debt for the purpose of funding major highway projects, southeast Wisconsin freeway rehabilitation projects, and state highway rehabilitation projects. Prior to July 1, 2005, debt service on this debt is paid from the transportation fund. Beginning on July 1, 2005, debt service on this debt is paid from the general fund.

This bill increases by \$250,000,000 this authorized general obligation bonding limit from \$565,480,400 to \$815,480,400. The bill also creates new general obligation bonding authority for DOT, allowing DOT to contract up to an additional \$213,100,000 in public debt for the purpose of funding southeast Wisconsin freeway rehabilitation projects. Debt service on this debt is paid from the transportation fund.

***** ANALYSIS FROM -1084/2 *****

Under current law, the Building Commission may issue revenue bonds for major highway projects and transportation administrative facilities in a principal amount that may not exceed \$2,095,583,900. This bill increases the revenue bond limit to \$2,516,117,900.

***** ANALYSIS FROM -1394/1 *****

***** ANALYSIS FROM -1053/3 *****

DRIVERS AND MOTOR VEHICLES

Under current law, any person who obtains a vehicle must obtain a certificate of title. If a person obtains a vehicle from a motor vehicle dealer, the dealer must prepare the application for certificate of title, collect the application fees, and submit the application to DOT within seven business days of the sale.

Under this bill, all motor vehicle dealers must process applications for certificate of title electronically. A dealer who fails to do so may have its license revoked or suspended by DOT. In addition, this bill increases the fee for a new

certificate of title or a certificate of title after transfer from \$18.50 to \$28.50 and increases the fee for a replacement certificate of title from \$8 to \$20.

***** ANALYSIS FROM -1051/1 *****

Under current law, a person pays a \$55 annual fee to DOT to register his or her automobile. The fee for a motor truck or dual purpose motor home varies depending on the vehicle's weight. This bill increases the annual fee for registering an automobile from \$55 to \$65 and increases the annual fees for registering a motor truck or dual purpose motor home.

***** ANALYSIS FROM -1192/2 *****

Under current law, DOT must revoke a person's motor vehicle operating privilege for five years if the person is a habitual traffic offender. A person is a habitual traffic offender if the person, within a five-year period, has accumulated at least four convictions of specified offenses of a more serious nature or at least 12 convictions of moving violations of traffic regulations or of specified crimes related to the operation of a motor vehicle.

Under this bill, a habitual traffic offender is a person who, within a five-year period, has accumulated at least four convictions of specified offenses of a more serious nature or at least 12 convictions of violations of those laws, punishable by either civil or criminal penalty, that relate to rules of the road.

***** ANALYSIS FROM -1400/1 *****

This bill allows DOT to certify driver records electronically as public records qualifying for self-authentication in court if the electronic certification is made in a manner determined by DOT to satisfactorily support a finding that the document is what it purports to be. Accordingly, driver records may be self-authenticating by certification generated by a DOT computer system rather than a DOT employee.

***** ANALYSIS FROM -1559/1 *****

Current law requires DOT to establish new designs for most vehicle registration plates every seven years and to issue the new plates on a rolling basis as vehicle registrations are renewed by the vehicle owners. This bill eliminates the requirement that DOT establish new designs for registration plates.

***** ANALYSIS FROM -0374/3 *****

Under current law, a person may purchase a specialized registration plate for his or her motor vehicle by paying an additional fee. This bill creates a specialized registration plate for persons who are interested in supporting veterans. The bill requires DOT to deposit all of the additional fees collected for specialized registration plates that are related to veterans or the armed forces into the veterans trust fund. The bill specifies that the additional fee assessed for these specialized plates may be claimed as a tax-deductible charitable contribution.

***** ANALYSIS FROM -0452/2 *****

Under current law, a registrant is required to pay an environmental impact fee of \$9 upon registering a new motor vehicle with DOT or upon applying for a new certificate of title following a transfer of a vehicle. The environmental impact fees are earmarked for environmental management activities. The fee expires on December 31, 2005. This bill eliminates the expiration date.

***** ANALYSIS FROM -1652/2 *****

Current law prohibits a person from operating a motor vehicle on the highway during any period in which the person's motor vehicle operating privilege is revoked. A person convicted of violating this prohibition on or after May 1, 2002, is subject to a criminal penalty and must be fined not more than \$2,500 or imprisoned for not more than one year or both.

This bill decriminalizes the first offense of operating a vehicle while revoked and requires a person to forfeit not more than \$600 if the underlying operating privilege revocation did not result from specified alcohol or controlled substance-related traffic violations.

*** ANALYSIS FROM -1082/1 ***

TRANSPORTATION AIDS

Under current law, DOT makes a general transportation aid payment to a county based on a share-of-costs formula, and to a village, city, or town (municipality) based on the greater of a share-of-costs formula or an aid rate per mile, which is \$1,825. This bill increases the aid rate per mile to \$1,862 for 2006 and \$1,899 thereafter.

The bill also increases the maximum amount of general transportation aids that may be paid to counties from \$90,044,600 in any year to \$91,845,500 in 2006 and \$93,682,400 thereafter. The bill also increases the maximum amount of aid that may be paid to municipalities from \$283,291,100 in any year to \$286,124,000 in 2006 and \$297,736,000 thereafter.

*** ANALYSIS FROM -1083/1 ***

Under current law, DOT provides state aid, for each of four classes of mass transit systems, to local public bodies in urban areas served by mass transit systems to assist with their costs. This bill increases in 2006 and 2007 the total amount of state aid to each class of mass transit system.

*** ANALYSIS FROM -1557/2 ***

OTHER TRANSPORTATION

Under current law, DOT may award grants to partially reimburse eligible applicants for certain harbor improvements. This bill requires DOT to award a grant of \$6,000,000 to a city in northeastern Wisconsin that has a harbor facility for constructing or improving boatlift facilities, and to award a grant of \$2,100,000 for a boat slip repair and reconstruction project in northeastern Wisconsin, if certain conditions are met.

*** ANALYSIS FROM -0122/1 ***

This bill allows DOT, through its Rail Passenger Route Development Program, to fund capital costs related to Amtrak service extension routes or other rail service routes between Chicago and Milwaukee and between Madison and La Crosse.

*** ANALYSIS FROM -1055/P1 ***

The bill also increases the authorized general obligation bonding limit for the acquisition and improvement of rail property from \$32,500,000 to \$39,000,000.

*** ANALYSIS FROM -1890/1 ***

This bill transfers from the transportation fund to the general fund \$250,000,000 in fiscal year 2005-06 and \$18,058,100 in fiscal year 2006-07.

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Under current law, DOT collects a supplemental vehicle title fee and the Department of Commerce collects a supplemental manufactured home title fee. These fees are deposited into the transportation fund. By October 1 of each year, DOT must certify to DOA the amount of these fees collected during the previous fiscal year and that amount, minus \$555,000, is transferred from the general fund to the environmental fund.

Under this bill, this transfer mechanism is eliminated and these fees are deposited directly into the environmental fund for nonpoint source water pollution abatement.

***** ANALYSIS FROM -1591/2 *****

This bill provides transportation fund moneys for the federal Soo Locks project.

***** ANALYSIS FROM -1558/1 *****

This bill increases the authorized general obligation bonding limit from \$28,000,000 to \$39,400,000 to provide grants for harbor improvements.

***** ANALYSIS FROM -0321/2 *****

VETERANS AND MILITARY AFFAIRS

Under current law, an eligible veteran may receive a home-improvement loan of up to \$25,000 from the Veterans Housing Loan Program. This bill removes the limit on the amount of the loan.

The bill also provides that a person who completes six continuous years under honorable conditions in the national guard or a reserve component of the U.S. armed forces is eligible to receive a housing loan.

Currently, a veteran may receive a housing loan to pay for balances due on a construction or bridge loan or for the payment of a loan if the loan's balance does not exceed the amount requested in the veteran's prior loan application and the debt was incurred after the veteran made an application for a loan that was denied by DVA. This bill allows the use of a housing loan to refinance the balance due on any indebtedness as long as the previous loan was obtained for the same purposes as the program.

***** ANALYSIS FROM -0324/3 *****

Under current law, DVA may lend a veteran, a veteran's unremarried surviving spouse, or a deceased veteran's child up to \$25,000 for any use, but the loan must be repaid within ten years. This bill authorizes DVA to adjust the maximum term of the loan based upon financial market conditions, funds available, needs of the trust fund, and other relevant factors.

***** ANALYSIS FROM -0328/3 *****

Under the current part-time classroom study program, DVA reimburses veterans for costs associated with correspondence courses and classroom study at proprietary schools, schools approved for the training of veterans, and institutions of higher education. Under the current tuition reimbursement program, DVA reimburses tuition to veterans who are enrolled as undergraduates for at least 12 credits during a semester. To be eligible for the tuition reimbursement program, the veteran must begin the course within ten years after leaving active service, and the annual income of the veteran and the spouse may not exceed \$50,000 plus \$1,000 for each dependent in excess of two dependents. Reimbursement is limited to 120

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credits or eight full semesters at an institution of higher education or 60 credits or four semesters if the institution provides a degree after the completion of 60 credits.

Under the part-time classroom study program, reimbursement is limited to tuition paid for taking fewer than 12 credits if an undergraduate, or fewer than nine credits if a graduate student, for attending a summer session or for taking a correspondence class. The reimbursement amount and income eligibility are the same as for the full-time tuition reimbursement program. A veteran with a master's degree is not eligible for reimbursement.

This bill combines these two programs and makes the following changes in the new, combined program:

1. Eligibility is limited to a veteran whose annual income combined with his or her spouse's income is less than the median household income for the state.
2. Veterans with undergraduate degrees are not eligible.
3. If funds are insufficient to reimburse all of the veterans who apply, DVA may reduce the reimbursement percentage, except for courses taken by certain disabled veterans.
4. Reimbursement is limited to 30 credits if the veteran served on active duty for 90 to 180 days, 60 credits if the veteran served for 181 days to 730 days, and 120 credits if the veteran served more than 730 days.
5. The limit on reimbursement to courses taken within ten years after leaving service does not apply to up to 60 credits of part-time classroom study courses.

***** ANALYSIS FROM -0329/3 *****

Under current law, DVA may grant aid to any incapacitated veteran or dependent of a veteran in an amount that DVA determines is necessary to prevent want or distress. The aid may be paid for no more than three months in any 12-month period. Currently, DVA may grant temporary health care aid to a veteran or dependent of a veteran to meet medical or hospital bills. The amount of aid is limited to \$5,000 in any 12-month period and may be used to provide for the treatment of alcoholism or other drug addiction.

Under this bill, the aid is limited to incapacitated veterans and the maximum amount is \$2,000 in a 12-month period. The bill limits the payment for health care assistance to dental, vision, and hearing care, with a limit in a 12-month period of \$2,500 for dental care, \$500 for vision care, and \$1,500 for hearing care. The bill places a lifetime limit of \$5,000 on the amount that a veteran may receive under the program.

***** ANALYSIS FROM -0326/1 *****

Current law prohibits the admission of surviving spouses or parents of veterans to the southeastern facility for veterans at Union Grove, but permits the admission of these persons to the Wisconsin Veterans Home at King if the Board of Veterans Affairs determines that the home's overall occupancy level is below an optimal level.

This bill allows surviving spouses or parents of veterans to be admitted to the southeastern facility for veterans at Union Grove under the same standard that is used for admission to the Wisconsin Veterans Home at King.

***** ANALYSIS FROM -0322/1 *****

This bill raises the maximum amount of grants that DVA may award to the governing bodies of federally recognized American Indian tribes and bands from \$2,500 to \$10,000 for the purpose of employing tribal veterans' service officers.

*** ANALYSIS FROM -0325/1 ***

Under current law, DVA coordinates the provision of military honors funerals to deceased veterans by members of local veterans organizations and the national guard. As part of that program, DVA reimburses the local veterans organization an amount not to exceed \$50 for its costs in providing the military honors funeral. This bill eliminates reimbursement for such costs.

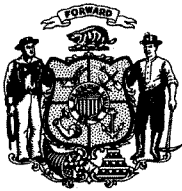
This bill will be referred to the Joint Survey Committee on Tax Exemptions for a detailed analysis, which will be printed as an appendix to this bill.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

(END)



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1966/1 2

RAC:wlj:rs

DOA:.....Hanle - Domestic partner benefits for UW System employees and annuitants

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

Retirement and Group Insurance

AN ACT ...; relating to: the budget.

(WRS)

Analysis by the Legislative Reference Bureau

EDUCATION

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Under current law, the Group Insurance Board offers health care coverage plans for state employees, local government employees, school district employees, and annuitants under the Wisconsin Retirement System. This bill provides that domestic partners of UW System employees and annuitants are eligible to receive coverage under the health care coverage plans offered by the Group Insurance Board and that state employees and state annuitants are able to purchase the policies for their domestic partners. Under the bill, a domestic partner is defined as any individual who is in a relationship with any other individual that satisfies all of the following:

1. Each individual is at least 18 years old and otherwise competent to enter into a contract.
2. Neither individual is married to, or in a domestic partnership with, another individual.
3. The two individuals are not related by blood in any way that would prohibit marriage under current law.
4. The two individuals consider themselves to be members of each other's immediate family.

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P. 42

5. The two individuals agree to be responsible for each other's basic living expenses.

^{END INSERT}
For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 40.02 (20) of the statutes is amended to read:

2 40.02 (20) "Dependent" means the:

3 (a) Except as provided in par. (b), the spouse, minor child, including
4 stepchildren of the current marriage dependent on the employee for support and
5 maintenance, or child of any age, including stepchildren of the current marriage, if
6 handicapped to an extent requiring continued dependence. For group insurance
7 purposes only, the department may promulgate rules with a different definition of
8 "dependent" than the one otherwise provided in this subsection paragraph for each
9 group insurance plan.

10 **SECTION 2.** 40.02 (20) (b) of the statutes is created to read:

11 40.02 (20) (b) For an employee of the Board of Regents of the University of
12 Wisconsin System or for an annuitant who was employed by the Board of Regents
13 of the University of Wisconsin System on the day on which he or she terminated
14 covered employment, the spouse, domestic partner, minor child, including
15 stepchildren of the current marriage or children of a domestic partner dependent on
16 the employee for support and maintenance, or child of any age, including
17 stepchildren of the current marriage or children of a domestic partner, if
18 handicapped to an extent requiring continued dependence.

19 **SECTION 3.** 40.02 (21c) of the statutes is created to read:

20 40.02 (21c) "Domestic partner" means an individual in a domestic partnership.

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2005 - 2006 LEGISLATURE

LRB-0350/1

DAK:kjf:rs

DOA:.....Milioto, BB0054 - Use of Medical Assistance waiver funds for new construction

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

CIP 13

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Currently, under waivers of federal Medicaid laws, DHFS administers community integration programs under which Medical Assistance (MA) recipients who reside in state centers for the developmentally disabled or other institutions or who meet certain levels of care are relocated into their communities and provided home and community-based services. ~~These services are provided by counties, and are reimbursed by DHFS from general purpose revenue, federal Medicaid moneys and the MA trust fund. Counties are prohibited from using the money to do several things including purchasing land or constructing buildings.~~

This bill permits counties to use ~~the money~~ ^{the money} for home and community based services provided to MA recipients, under the community integration waiver programs, to purchase land or construct buildings if the purchase or construction is determined necessary by DHFS.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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